

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, *ex*
rel.; JOSE R. VALDEZ, relator and on
behalf of the United States of America

Plaintiff

vs

AVETA, INC.; MMM HEALTHCARE,
INC.; PMC MEDICARE CHOICE, INC.;
MSO OF PUERTO RICO, INC.;
MMM HOLDINGS, INC.; RICHARD
SHINTO

Defendants

CIVIL 15-1140CCC

ORDER

In reviewing the case file, the Court has recently been alerted to the fact that defendants' Motion for Order to Return Misappropriated Documents (d.e. 71) and the accompanying Declaration of Russell Hayman in support of said motion (d.e. 72) were not listed, after the case was transferred, as motions pending disposition by the undersigned. Plaintiff-relator filed an Opposition to defendants' Motion (d.e. 102) with two declarations in support thereof by Elizabeth Valdez (d.e. 102-1) and Thomas H. Bienert, Jr. (d.e. 102-2). Defendants then submitted a Motion for Leave to File a Reply to plaintiff's opposition (**d.e. 111**), which is GRANTED, retroactively, and a related Motion to Strike Declarations of Elizabeth Valdez and Thomas H. Bienert, Jr. (d.e. 110) which plaintiff opposed (d.e. 115).

Although at this moment defendants' Motion for Order to Return Misappropriated Documents (d.e. 71) and the accompanying Declaration of Russell Hayman in support of said motion (d.e. 72) as well as plaintiff's opposition (d.e. 102) are still under consideration, they have been examined in order to understand the background of the related Motion to Strike

CIVIL 15-1140CCC

2

Declarations of Elizabeth Valdez and Thomas H. Bienert, Jr. (d.e. 110). Having fully examined the Valdez and Bienert declarations submitted by plaintiff and the arguments for and against the same within the context of the pending discovery issue raised in docket entry 71, the Motion to Strike Declarations of Elizabeth Valdez and Thomas H. Bienert, Jr. (**d.e. 110**) is GRANTED. Accordingly, the declarations of Valdez which appear at paragraph 4 of docket entry 102-1 and of Bienert set forth at paragraphs 2 and 3 of docket entry 102-2 are STRICKEN and will not be considered by the Court in the disposition of the pending Motion for Order to Return Misappropriated Documents (d.e. 71).

SO ORDERED.

At San Juan, Puerto Rico, on August 17, 2016.

S/CARMEN CONSUELO CEREZO
United States District Judge